

Flanagan, Sarah

From: Flanagan, Sarah
Sent: Wednesday, June 17, 2015 5:39 PM
To: 'RAY REOTT'
Cc: 'Kathryn Kilgore'; 'Justin Boyd'
Subject: RE: Clifton Access Agreement

Ray et al. –

I hate to do this, but EPA really needs the signed consent to access form. Could you please call or email at your earliest convenience and confirm that IIT has signed and will provide consent?

Thanks
-Sarah

Sarah P. Flanagan
Office of Regional Counsel, NJ Superfund Branch
USEPA, Region 2
290 Broadway, 17th Floor
New York, NY 10007
Tel: 212-637-3136

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From: Flanagan, Sarah
Sent: Tuesday, June 16, 2015 10:11 AM
To: 'RAY REOTT'
Cc: 'Kathryn Kilgore'; 'Justin Boyd'
Subject: RE: Clifton Access Agreement

Ray,

I'm following up on our conversation on June 3. We have not received the signed consent to access form, which I understood would be forthcoming.

EPA would like to start work on June 29, 2015 but we cannot schedule the work with consent to access. Could you let me know the status? Is it possible you sent the signed consent but it has not reached me yet?

Thanks.

-Sarah

From: Flanagan, Sarah
Sent: Monday, June 01, 2015 12:18 PM
To: 'Justin Boyd'; 'RAY REOTT'
Cc: 'Kathryn Kilgore'
Subject: RE: Clifton Access Agreement

Justin and Ray,

I am following up on my email on May 4, 2015 to ask for signature of the consent to access form for Lot 2.01 at 125 Delawanna Avenue. In addition to the consent form, I am attaching the document that IIT provided for Exhibit A, and Lockheed's insurance certificate which will function as Exhibit B.

EPA has completed the Quality Assurance Project Plan for the investigation and we are planning to undertake the sampling in late June. We are targeting June 28 to begin work and would like to have the consent to access signed by June 8, 2015.

We appreciate IIT's cooperation with this matter and look forward to receipt of the signed consent form. Please let me know if you have any questions.

Regards,

-Sarah

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From: Flanagan, Sarah
Sent: Monday, May 04, 2015 2:40 PM
To: 'Justin Boyd'; 'RAY REOTT'
Cc: 'Kathryn Kilgore'
Subject: RE: Clifton Access Agreement

Justin and Ray,

I am attaching an updated Consent to Access form, which has been revised to refer only to Lot 2.01 since the other two lots do not appear to be affected by EPA's request for access. We also updated the form to reflect Givaudan's correct corporate name is Givaudan Fragrances Corporation.

We are close to completing discussions with our contractor, as well as Givaudan, and we hope to schedule the sampling for June or July. We would like to provide Givaudan with IIT's executed consent to access form. Could you let me know if there is anything else you need, and if not, please provide the signed consent to access form?

Thank you.

Sarah

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From: Flanagan, Sarah
Sent: Tuesday, March 24, 2015 6:55 PM
To: Justin Boyd; RAY REOTT
Cc: Kathryn Kilgore
Subject: RE: Clifton Access Agreement

Justin and Ray,

With apologies for the long delay, I am back in touch with you as EPA is close to finalizing our sampling plan for the Givaudan containment cell adjacent to IIT's property.

Attached is the revised certificate of insurance provided by Lockheed, showing their umbrella policy, as well as an email from Chris Gussman, Lockheed Martin Task Leader for this work, explaining the coverage for "sudden and limited pollution" under Lockheed's insurance. Please let me know if you have any questions.

-Sarah

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From: Justin Boyd [<mailto:jboyd@blackcreekcapital.com>]
Sent: Wednesday, October 15, 2014 4:31 PM
To: Flanagan, Sarah; RAY REOTT
Cc: Kathryn Kilgore
Subject: RE: Clifton Access Agreement

Sarah,

The additional insured name should be:

IIT Clifton DC LLC
c/o Industrial Income Trust Inc.
518 17th Street, Suite 1700
Attn: Real Estate Counsel
Denver, CO 80202

Upon receiving the revised certificate and written statement from Lockheed, we will review with our risk/insurance folks.

Thanks,
Justin

Justin Boyd
Real Estate Counsel
Black Creek Group | Dividend Capital Group
518 17th Street, 17th Floor | Denver, CO 80202
Main: 303.869.4600 | Direct: 303.953.3840 |
Email: jboyd@blackcreekcapital.com

From: Flanagan, Sarah [<mailto:Flanagan.Sarah@epa.gov>]
Sent: Wednesday, October 15, 2014 2:24 PM
To: RAY REOTT
Cc: Justin Boyd; Kathryn Kilgore
Subject: RE: Clifton Access Agreement

Ray,

The marked survey you provided will work well as Exhibit A. Thank you.

We spoke with Lockheed Martin this morning about its insurance coverage. Lockheed will revise its Certificate of Insurance to show \$8 million in excess coverage which sits above the Commercial General Liability. With respect to Contractor's Pollution Liability, Lockheed Martin explained that their CGL coverage has an extension for "sudden and accidental" releases, but they do not carry Contractor's Pollution Liability because they do not contract to perform remedial or cleanup work. We asked Lockheed to provide a written statement to this effect. I modified the consent to access form to reflect that Lockheed is not carrying Contractor's Pollution Liability coverage.

When Lockheed reissues the Certificate of Insurance, what name and address should it use for IIT? Apologies if you already provided this information to EPA.

Regards,
-Sarah

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From: RAY REOTT [<mailto:RAY.REOTT@bfkn.com>]
Sent: Wednesday, October 08, 2014 6:23 PM
To: Flanagan, Sarah
Cc: Justin Boyd (jboyd@blackcreekcapital.com); Kathryn Kilgore (kkilgore@industrialincome.com); RAY REOTT
Subject: Clifton Access Agreement

Sarah – happy to work with you in place of Leena. I have attached a marked survey to show the approximate location of the gate to the Givaudan cell as well as the proposed portion of the property to which IIT would grant access. If you need to propose a different area, I also have attached the unmarked survey for you to use.

As I noted in my last e-mail to Leena, it appears as if the USEPA contractor has some gaps in its coverage. I would expect them to have Contractor's Pollution Liability coverage, otherwise there is normally no coverage in the liability policy for environmental damages. Also, the certificate did not show any excess coverage. This must also be an oversight as I am sure they have ample excess coverage that could be added to the certificate. Can you check on both of these items?

Thanks, Ray

Raymond T. Reott
Barack Ferrazzano Kirschbaum & Nagelberg LLP
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Chicago, Illinois 60606
312-629-7427
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